

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
December 22, 2013

Opening Ceremony: Doug Emery

Closed Session: none

Call to Order: Meeting was called to order at: 9:10 a.m.

Council Present: Legislative Leader Regina Gasco Bentley, Treasurer Marcella Reyes, Councilor Bill A. Denemy, Councilor Beatrice A. Law, Councilor Aaron Otto, Councilor Winnay Wemigwase

Absent: Secretary Julia Shananaquet, Councilor John Keshick III, Councilor Michael Naganashe

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow

Executive Officials and Staff Present: Tribal Chairman Fred Kiogima, Vice-Chair Deb DeLeon

Public: Doug Emery, Annette VanDeCar, Bill I. Denemy, George Anziano

Invited Guests: none

Motion made by Councilor Otto and supported by Councilor Law to adopt the agenda for December 22, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Keshick, Councilor Naganashe)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Law to approve the minutes as corrected.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Keshick, Councilor Naganashe)

Motion carried.

Elder comments: Doug Emery thanked Tribal Council for their service; requested an addition to the Marriage draft Statute he proposed to speak to sending it out to the Citizens for a referendum.

Motion made by Councilor Wemigwase and supported by Councilor Otto to accept Legislative Leader Gasco Bentley report for December 22, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Keshick, Councilor Naganashe)

Motion carried.

Secretary Shananaquet Report:

- i. The following Tribal Council approved documents were delivered to the Executive:
 - Enrollment List A – Eligible for Citizenship dated November 20, 2013 for a total of 7.
 - Certified Motion # 120813-01: Request for Funding from the Bureau of Indian Affairs, FY2014 Fish Hatchery Maintenance Project.
 - Certified Motion # 120813-02: Request for Funding from the Bureau of Indian Affairs, FY2014 Circle of Flight Project.
 - Certified Motion #120813-03: Request for Funding from the Bureau of Indian Affairs for Great Lakes Restoration Initiative FY2014 Lake Herring Research/Restoration Project.
 - Revised 2014 Reservation Natural Resources Rules and Regulations REG-WOS 2001-004 111313-004. Effective January 1, 2014.
 - 1836 Ceded Territory Natural Resources Rules and Regulations REG-WOS 2001-004 111313-004. Effective January 1, 2014.
 - Tribal Resolution 120813-01, Funding for Traditional Burial Grounds Board in the Amount of \$40,000.00 for Fiscal Year 2014.
- ii. No vetoed documents to report.
- iii. (3) Tribal Council Phone polls were conducted per request of the Appropriations and Finance Committee:
 - Recommendation to Tribal Council to approve the Loan Commitment Letter to Indian Land Capital Company.
 - Recommendation to Tribal Council for of Indian Land Capital Company Loan Documents.
 - Recommendation to Tribal Council for Supplemental Funding in the Amount of \$70,220 for the Legislative Branch FY14 Budget for

LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll: To approve the loan commitment letter from Indian Land Capital Company, (ILCC) for the purchase of Parcel 54.

Authorization: Legislative Leader Gasco Bentley
Phone Poll Conducted by: Legislative Office Manager Michele LaCount

Council Members:

Legislative Leader Gasco Bentley	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Secretary Shananaquet	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Treasurer Reyes	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Councilor Law	Yes	_____	No	<u>X</u>	Date/Time Called: _____ # of attempts: _____
Councilor Wemigwase	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Councilor Keshick	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Councilor Denemy	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____
Councilor Naganashe	Yes	_____	No	_____	Date/Time Called: <u>12/18/13 1:40 p.m.,</u> <u>2:36 p.m.</u> <u>4:05 p.m.</u> # of attempts: <u>ABSENT</u>
Councilor Otto	Yes	<u>X</u>	No	_____	Date/Time Called: _____ # of attempts: _____

Phone Poll Vote:

VOTE: 7 Yes 1 No 0 Abstained 1 Absent

Comments:

Legislative Leader Gasco Bentley

1 of 2

(date) (title)

Secretary
Shananaquet

Treasurer Reyes

Councilor Law

Councilor
Wemigwase

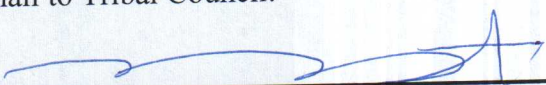
Councilor Keshick

Councilor Denemy

Councilor
Naganashe

Councilor Otto

The Legislative Office Manager or Administrative Assistance in accordance with policy certifies the results of this Phone Poll and that the results of the phone poll were sent via e-mail to Tribal Council:


(Legislative Office Manager Michele LaCount)

12/18/13

Date:

In accordance with the Tribal Council Phone Poll Policy approved on May 6, 2012, the action approved, the Tribal Council Member's vote, and the results of the vote of the phone poll shall be announced by the Secretary at the next meeting and recorded in the Minutes. The Legislative Office shall maintain the certified record of the phone poll on file.



LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll: To adopt Certified Motion: Approval of Indian Land Capital Company
Loan Documents SEE Attached emails. (m)

Authorization:

Legislative Leader Gasco Bentley

Phone Poll Conducted by:

Legislative Office Manager Michele LaCount

Council Members:

Legislative Leader
Gasco BentleyYes X No Date/Time Called:
of attempts: Secretary
ShananaquetYes X No Date/Time Called:

Treasurer Reyes

Yes X No Date/Time Called:
of attempts:

Councilor Law

Yes No XDate/Time Called:
of attempts: Councilor
WemigwaseYes X No Date/Time Called:
of attempts:

Councilor Keshick

Yes X No Date/Time Called:
of attempts: Councilor
DenemyYes X No Date/Time Called:
of attempts: Councilor
NaganasheYes No Date/Time Called: 12/18/13 2:59p.m. email.
3:07 p.m. phone
of attempts: 4:05 p.m. phone
ABSENT

Councilor Otto

Yes X No Date/Time Called: Phone Poll Vote:VOTE: 7 Yes 1 No 0 Abstained 1 AbsentComments:Legislative Leader
Gasco Bentley

Michele LaCount

From: Michele LaCount
Sent: Friday, December 20, 2013 9:52 AM
To: Tribal Council
Cc: Jim Bransky
Subject: re: All Phone Polls passed

Importance: High

Due to clerical error regarding Certified Motion phone poll for the Loan documents, the document that arose from the phone poll was titled resolution instead of certified. The Executive did however sign the Resolution and the loan documents are being sent Fed Ex this morning.

I apologize for any inconvenience.

Michele LaCount

Legislative Office Manager
231-242-1404

Michele LaCount

From: Michele LaCount
Sent: Wednesday, December 18, 2013 4:24 PM
To: Tribal Council
Subject: All Phone Polls passed

Importance: High

#1 "To adopt Tribal Resolution for supplemental funding in the amount of \$70,220 for the Legislative Branch FY2014 Budget for the purchase of parcel 54, 311.94 acres of land known as "Tuthill Farm" property."

#2 "To approve the loan commitment letter from Indian Land Capital Company for the purchase of Parcel 54."

#3 Phone Poll: To approve Certified Motion: Approval of Indian Land Capital Company Loan Documents. (this is actually a Tribal Resolution)

Julie has authorized me to use her signature stamp.

Michele LaCount
Legislative Office Manager
231-242-1404

Secretary
Shananaquet

Treasurer Reyes

Councilor Law

Councilor
Wemigwase

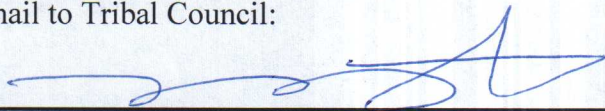
Councilor Keshick

Councilor Denemy

Councilor
Naganashe

Councilor Otto

The Legislative Office Manager or Administrative Assistance in accordance with policy certifies the results of this Phone Poll and that the results of the phone poll were sent via e-mail to Tribal Council:



Legislative Office Manager Michele LaCount

12/18/13

Date:

In accordance with the Tribal Council Phone Poll Policy approved on May 6, 2012, the action approved, the Tribal Council Member's vote, and the results of the vote of the phone poll shall be announced by the Secretary at the next meeting and recorded in the Minutes. The Legislative Office shall maintain the certified record of the phone poll on file.



LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll: To adopt Tribal Resolution for supplemental funding in the amount of \$70,220 for the Legislative Branch FY2014 Budget for the purchase of parcel 54, 311.94 acres of land known as “Tuthill Farm” property.

Authorization: Legislative Leader Gasco Bentley
Phone Poll Conducted by: Legislative Office Manager Michele LaCount

Council Members:

Legislative Leader
Gasco Bentley Yes X No **Date/Time Called:** _____
of attempts: _____

Secretary
Shananaquet Yes X No _____ Date/Time Called: _____

Treasurer Reyes Yes X No _____ Date/Time Called: _____
of attempts: _____

Councilor Law Yes No X **Date/Time Called:** _____
of attempts: _____

Councilor
Wemigwase

Yes X No _____

Date/Time Called: _____
of attempts: _____

Councilor Keshick Yes X No **Date/Time Called:** _____
of attempts: _____

Councilor _____

Denemy Yes X No _____

Date/Time Called: _____

of attempts: _____

Councilor Naganashe	Yes _____ No _____	Date/Time Called: 12/18/13 1:40 p.m. email 2:36 p.m. phone 4:05 p.m. email ABSENT

Councilor Otto Yes X No Date/Time Called: _____
of attempts: _____

Phone Poll Vote:

VOTE: 7 Yes 1 No 0 Abstained 1 Absent

Comments:

Legislative Leader

Gasco Bentley

**Secretary
Shananaquet**

Treasurer Reyes

Councilor Law

**Councilor
Wemigwase**

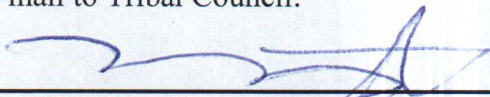
Councilor Keshick

Councilor Denemy

**Councilor
Naganashe**

Councilor Otto

The Legislative Office Manager or Administrative Assistance in accordance with policy certifies the results of this Phone Poll and that the results of the phone poll were sent via e-mail to Tribal Council:


(Legislative Office Manager Michele LaCount)

12/18/13
Date:

In accordance with the Tribal Council Phone Poll Policy approved on May 6, 2012, the action approved, the Tribal Council Member's vote, and the results of the vote of the phone poll shall be announced by the Secretary at the next meeting and recorded in the Minutes. The Legislative Office shall maintain the certified record of the phone poll on file.



Motion made by Councilor Law and supported by Councilor Otto to accept Treasurer Reyes verbal report for December 22, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Keshick, Councilor Naganashe)

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Reyes to accept Councilor Law's travel report for attendance at the Career Essentials and Leadership graduation held at the Odawa Casino Resort; and Councilor Wemigwase report regarding her attendance at the Native American Graves Protection Repatriation ceremony (1390 project) in Ann Arbor Michigan.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Keshick, Councilor Naganashe)

Motion carried.

10:00 a.m. Councilor Keshick arrived.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to accept the Gaming Authority Committee verbal report as presented by Councilor Otto Committee Chair.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

10:09 a.m. Recess called.

10:28 a.m. Meeting reconvened.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to accept Councilor Keshick's update regarding the Agricultural Assessment Work Group.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to authorize and approve the Legislative Leader and Tribal Chairman to sign and submit the "Thank You" letter to Tricia Tingle, Office of Tribal Justice Support, and Bureau of Indian Affairs in support and on behalf of the Tribe.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Naganashe, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Law to accept Legislative Leader Gasco Bentley verbal report for December 22, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Wemigwase to accept Treasury Director Garrow's verbal and written report for December 22, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Shananaquet, Councilor Naganashe, Treasurer Reyes)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to accept Legislative Services Attorney Budnick verbal report for December 22, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to withdraw the offer of the Home Purchase Contract between the Tribe and purchaser Isaac Dillard for property located at Lot 25, WahWahs Noo Da Ke Development, Harbor Springs, MI, otherwise known as 3617 Zhou Noong Circle, Harbor Springs, MI for the reason that the contract was never signed and terminates the offer for the Residential Lease of Tribal Owned Land at the same location and considers the contract and lease null and void.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto recommend to authorize and approve the continuation of the trademark for the Odawa Casino Resort and to also trademark the "Odawa Hotel".

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Denemy to convey to the Annual Community Meeting planning committee that the date of May 3, 2014 for the Annual Community Meeting is satisfactory to Tribal Council.

Motion withdrawn.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to accept Legislative Office Manager LaCount's verbal and written report for December 22, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

11:45 a.m. Public Comment opened:

- Annette VanDeCar read a public comment from Citizen Tim LaCroix regarding his opposition to the current Marriage draft Statute.
- Annette VanDeCar voiced and read her written public comment opposition to the current Marriage draft Statute; and spoke to the COLA reduction for employees and requests that all branches and levels of Tribal Government make reductions as well.

11:55 a.m. Public Comment closed.

Motion made by Councilor Wemigwase and supported by Councilor Law to acknowledge receipt of the Executive Oversight Report for November 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to adopt Tribal Resolution: Carryover of FY 2013 Hearing Aid Funds.

Roll call vote: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-absent, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Shananaquet-absent, Legislative Leader Gasco Bentley-yes

Motion carried.

Motion made by Councilor Law and supported by Councilor Otto to adopt Tribal Resolution: Amendment to the Legislative Branch Operations Governmental Employee Personnel Policies Handbook.

Roll call vote: Councilor Denemy-yes, Councilor Keshick-no, Councilor Law-yes, Councilor Naganashe-absent, Councilor Otto-yes, Councilor Wemigwase-no, Treasurer Reyes-yes, Secretary Shananaquet-absent, Legislative Leader Gasco Bentley-yes

Motion carried.

Motion made by Councilor Otto and supported by Councilor Law to approve Certified Motion: LTBB Employee Handbook Annual Cost of Living Adjustment as received from the Executive.

Vote: 6 - Yes, 1 - No (Councilor Keshick), 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Wemigwase to table Tribal Resolution Appropriation of Funds for the 2015 Operating Budgets and Funding Allocation for the 2015 Fiscal year as received from the Executive.

Vote: 6 - Yes, 1 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL MOTION # 122213-01

LTBB Employee Handbook Annual COLA Adjustment

- WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe; and
- WHEREAS** all current revenue forecasts and reports indicate a reduction and shortfall for 2013 and 2014 and beyond; and
- WHEREAS** current LTBB governmental operations have grown to a level that is unsustainable into the foreseeable future unless we get aggressive in identifying and or creating alternative revenue streams; and
- WHEREAS** the Employee handbook has not been updated or amended since 2004 thus allowing annual COLA increases at a rate 3 to 4 times higher than the rate of inflation and comparable agencies/organizations; and
- WHEREAS** the Employee handbooks states IV. B. Annual Monetary Compensation " the amount of annual monetary compensation increase will be determined by the regionally adjusted Cost of Living Allowance (COLA) as of December 31st from the Previous Year with a minimum increase per year of 4% and a maximum increase per year of 8%. Increases or changes in an employee's pay will be effective the following pay period after your anniversary date," ;and
- WHEREAS** because of the actual and projected shortfalls, the Executive has initiated discussions with each of the other branches and Gaming Regulatory whom each adopt their own employee handbook policies to approach a COLA adjustment in unison.

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and supports the reduction of the COLA from the 4% to 8% as stated in previous employee handbooks to the new COLA rate of 1.5% per year effective FY 2014 and thereafter.

BE IT FURTHER RESOLVED that the Gaming Regulatory Commission has approved via phone poll on 12/04/13 to change the COLA from 4% to 1.5% provided Tribal Council approves the change.

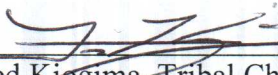
BE IT FURTHER RESOLVED, that the Tribal Judiciary has also approved a change in their employee handbook to annually adjust COLA to reflect the same amount as Tribal Council Employees and Executive Branch Employees.

BE IT FURTHER RESOLVED, All LTBB Government Employee handbooks shall adopt an annual COLA rate of 1.5% effective January 1st, 2014.

CERTIFICATION

The Executive concurs and recommends this action by the Tribal Council.

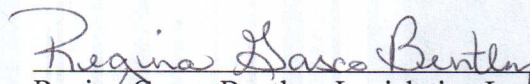
Date: 12/17/13


Fred Kiogima, Tribal Chairperson

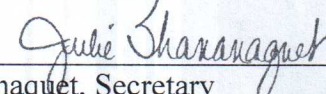
Received by the Legislative Office on 12/19/13 by Y MOS (M)

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Certified Motion was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held December 22, 2013 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, 2 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 12-22-13


Regina Gasco Bentley, Legislative Leader

Date: 12-23-13


Julie Shananaquet, Secretary



Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to acknowledge receipt of the letter from the Executive as read into the minutes regarding the farm purchase.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

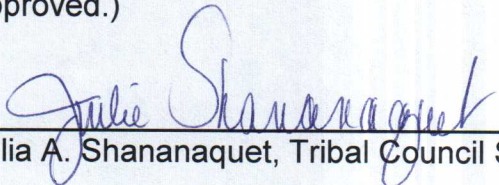
12:43 p.m. Motion made by Councilor Denemy and supported by Councilor Wernigwase to adjourn.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Shananaquet, Councilor Naganashe)

Motion carried.

Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-1406 for additional updates and clarifications of these minutes as presented.

These Minutes have been read and approved as written (or) corrected: (delete either the word "written" or "corrected" as pertains to how the minutes were approved.)



Julia A. Shananaquet, Tribal Council Secretary

15-14

Date